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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,313	04/02/2001	Eagle Fan	UPA-01140	2531

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EXAMINER
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NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/825,313

**Applicant(s)**

FAN, EAGLE

**Examiner**

THUAN T. NGUYEN

**Art Unit**

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Title*

1. There is a typo in the title, --Foldale-- should be corrected as --Foldable-- Cellular Phone Holding Set instead.

### *Claim Rejections - 35 USC 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Lerberghe (U.S. Patent No. 6,006,103/ or "Van" for short).

Regarding claim 1, Van discloses a cordless phone holding set comprising a first part pivotally connected to a second part (Fig. 4 with parts 7 & 3 pivotally connected at 11), a speaker received in an inner periphery of said first part (speaker 5 of Fig. 4) and a holding device located between said first part and said second part (hinge 11 as a holding device between the first part and the second part, Fig. 4, and col. 3/line 49-58 & col. 4/lines 36-62), and a base and said second part pivotally connected on a top of said base, i.e., said second part serves as a base when folding and connected to the base in a standing position (as shown in Fig. 2).

As for claim 2, Van suggests "the second part has two hollow lugs and the first part has two rods movably retained in said two hollow lugs", i.e., creating a hinge at 11 as two parts can connect to each other and movable (Figs. 4 & 7).

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As for claim 3, Van further discloses “wherein the first part has a plurality of apertures defined therethrough” (as shown in Fig. 6 with some apertures in both parts).

As for claims 5-6, Van discloses that the second part has an inner wall and a space defined between the inner wall and an inner periphery of the second part, a through hole (for wire) defined through said second part communicating with the space (as shown in Fig. 7, and col. 5/lines 1-20).

***Claim Rejections - 35 USC 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lerberghe (U.S. Patent No. 6,006,103).

Regarding claim 4, Van does not teaches as cited in claim 4; however, the Examiner takes Official notice that it’s simply a design choice of placing the device on a baseboard with two claming members for connecting to a box having a groove therein for moving the engaging plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van’s apparatus with a baseboard as claimed in order to place the device on the baseboard and it’s movable with the groove and engaging plate.

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gioscia et al. (US Patent 6,577,496 B1), Uusimaki (US Patent 6,571,086 B1), Jambhekar (US Patent 5,692,046) disclose a variation of cellular phones.

7. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to: (703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



**TONY T. NGUYEN**  
**PATENT EXAMINER, FSA**

Tony T. Nguyen  
Art Unit 2685  
April 01, 2004